

MAINE STATE HARNESS RACING COMMISSION
MINUTES OF MEETING
May 17, 2019
Gambling Control Board Conference Room
Department of Public Safety
45 Commerce Drive, Augusta, Maine

Commission Members Present: Michael Timmons, Chair, William McFarland, and Michael Graham

Commission Members Absent: None.

Staff Members Present: Ron Guay, AAG, Henry Jennings, Carol Gauthier, and Miles Greenleaf

1. Call the Meeting to Order and Introductions: Michael Timmons, Chair

2. Review and Approval of Minutes

Commissioner Graham made a motion to approve the minutes of March 7, 2019.
Commissioner McFarland seconded. Vote 3-0.

Review and Approval of Decision and Orders

None.

3. Determination of the Base Purse for Maine's 2019 Sire Stakes Program. Commission rule, Chapter 9, Section 5, requires the Commission to determine the base purse for both the two-year olds and the three-year olds no less than thirty days prior to the first scheduled stake race. The Maine Standardbred Breeders and Owners Association has consulted with the Department staff and will propose a base purse for the program.

Commissioner Graham asked if they could table item 3 and move to item 4.

Commissioner McFarland seconded. Vote 3-0.

Diann Perkins introduced the president of the Maine Standardbred Breeders and Owners as Steven Wilson from Farmington. She stated they meet last week with Mr. Jennings, Mr. Greenleaf, Mr. Wilson, and Ms. Bonenfant. She stated by law they need to meet 30 days before the first stake race to decide the base purse. This year for the 2 year old colt trotters there are 21, the filly trotters is 18, the colt pacers is 27, and the filly pacers is 23 which is 89 horses total. The 3 year old colt trotters there are 13, the filly trotters are 15, the colt pacers are 19, and the filly pacers is 18 and that's a total of 64 horses to work with. They have to guess about how many legs there will be per division. The biggest thing they had to decide was in the State of Maine there are only 3 tracks with 8 lanes (Scarborough, Bangor, and Cumberland). Then the rest are 7 lane tracks except for Union, Northern Maine, and Farmington are 6 lane tracks. This makes it very difficult because they allow only one trailer. Mr. Wilson explained the handout sheet. They came out with the same as last year. \$65,000 for the 3 year olds and \$40,000 for the 2 year olds and with a total of 149 legs estimated this year. The estimated base purse they came up with was \$8,500.00. They did have permission to change the base purse last year in August and he would also like to ask permission to adjust it if required. Commissioner McFarland asked on the finals 6th, 7th, and 8th did they approve a percentage on that last year. Mr. Wilson stated that he believed it was 1.25 percent for 6th place, .1 percent for

7th, and .75 percent for 8th off the top of the base purse. Commissioner Graham made a motion that they set the base purse at \$8,500.00 and give the Breeders Association along with the executive director the authority to change it in August if there is more money or less money and also change the finals if there is more money or less money. Commissioner McFarland seconded the motion. AAG, Guay stated that he would like to have in the minutes in case there is a challenge if it is changed a reflection of what the base is. He assumes it's the cascade. Mr. Jennings stated in part but what typically happens is they're careful about predicting the number of legs typically in many years you don't race as many as you predict at the beginning. AAG, Guay stated that the motion was to make adjustments based on changes in the revenue so if you also want it to be based on legs they can make an amendment to that as well. So, what you'd like to do is be able to change the remaining purses based on not only on changes in the revenue but the number of legs that have been raced up to that point. Ms. Perkins stated you don't need to do that. AAG, Guay stated he is just trying to clarify. So, you're doing it based on legs as well. Mr. Jennings yes because if you don't have as many races you're saving purse money. AAG, Guay stated in order to give you the automatic authority which this motion does is there has to be in the record what that revenue is that you are basing this on. During the discuss here you just stated on the record and it will be reflected in the minutes what that base is of revenue. That would be his recommendation to the Commissioners. Commissioner Graham stated can't they say an amount of money available would also be from revenue and from legs. AAG, Guay stated you can say that. He knows that you guys have this document but, in the future, just like what Mr. Jennings did looking for the condition races you look back into the minutes to see what that is, so by saying that the amount of anticipated revenue that you're setting the base purse for is \$2,083,144.00 is if that number changes Mr. Jennings doesn't need to come back here. Commissioner Graham stated that there's more to it than that. The legs make a big difference. AAG, Guay asked if he would be willing to amend his motion to include legs. Commissioner Graham stated he doesn't know that it needs to be. AAG, Guay stated to do what you like. He's giving you his legal opinion. You really need to have all the factors if Mr. Jennings is going to act independently. The way to look at it, it says the Commission shall establish the base purse. You're delegating it to him, so you need to make clear to him ahead of time what he can do automatically without coming back to you. Ms. Perkins stated last year he just did it. Mr. Wilson stated all they technically have is anticipated so many legs and they have a feeling that those legs will be reduced so they want to make an altercation if they're not for filling the total number of legs. Commissioner Graham stated he's not sure what his motion was whether it came from the cascade or it came from reduced legs. AAG, Guay stated money saved by a reduced leg he doesn't think he would be able to convince a court that's income. Commissioner Graham made a motion to set the base purse at \$8,500.00 and in August if the Breeders Association and the executive director feel that there is addition money they have the authority to raise the base purse and the finals. Commissioner McFarland seconded. Vote 3-0.

4. **Discussion About 2019 Rulemaking.** Potential revisions to Chapter 17 were never adopted during 2018. In addition, the Department is aware of several potential rule changes that have been suggested by the industry. The Commission will review

rulemaking ideas and provide direction to the Department on which amendments to pursue.

Mr. Jennings stated last year when they did rulemaking they did not adopt Chapter 17 and they had a number of things that they were trying to do to that. Sometime in the next couple of months, he is hoping to bring that back. Since the last set of rulemaking he has gotten a number of suggestions that have come in to him about possible rulemaking and he has tried to capture them on that sheet that he gave them. Two or three things about whipping. David Sawyer and Charles Malia were talking about the fact that in the rules it says a qualifier can be used as a preference date which is kind of counter intuitive because preference dates are about opportunities to win or be in first races. That was something they questioned why a qualifier would count as a preference date. Potentially it pushes a horse back. The race secretary has to look at the preference date it was the last day that the horse raced. Right now, it says a qualifier it counts for that purposes, but you don't race for money for a qualifier. They're wondering why that would be used to calculate a preference date. Commissioner Graham stated in his mind once you qualify that day then that's your preference date. How are you going to get into race if you've got to go back to last year? A qualifier would be eligible if he uses a preference date. Mr. Jennings stated he would wait for them to come and explain it. Commissioner Timmons stated if they're in a qualifying race and they break they would have to requalify and that would change their preference date. If you don't use a qualifier for a preference date, why are you qualifying. Why would you be qualifying. They would have to explain it different then it has been for the last 50 years. Mr. Jennings wondered why the rules says that it doesn't say you have to have the commission's approval to do classified racing. It says you have to have the commission's approval to use as a condition the time that a horse has run it. They interpreted that as saying classified racing that's based on time requires the commission's approval. It strikes him as odd that that's one of the things that requires special approval. Again, he has heard from judges about the idea of trying to put more money into the hands of the people who are at the end of the race. He thinks the logic is its just so expensive to get horses to the track and to train and keep a horse that if you have one of theses horses that's typically bringing up the rear at the races it's just a big deterrent. This is something that's been talked about. Last year the latest idea that he heard was just pay 60, 50, and 40 or something like that to sixth, seventh, and eighth. It can't be the same amount of money, but it doesn't think it has to be based strictly on a percentage. Something about the quiron rule. People complain about double draws. The horsemen asked about revisions to the Lasix rule because you have to be there 3 hours before you race to get Lasix in those places that stable horses. They would like to be able to take the horses back to the barns, so they're not chained up for long periods of time. They've got Chapter 13 and he's heard from several people that they need to go in and make changes to Chapter 13 which is the pari-mutuel chapter. In some places they bet the 10 cent trifector. Michael Sweeney stated that they have submitted specific changes to rules in that chapter. They're looking at 50 cent trifectors. Changing the superfector rule so that they can hold more superfectors during cards so it's less restrictive as to when they can hold a superfector. There're various changes they've proposed, and they've been on the table for about 3 years. Mr. Jennings stated Chapter 17 they had a whole series of revisions they had proposed but they didn't adopt the amendments to Chapter 17. That's what he has collected. Do any of the Commissioners

have any specific request that they've received. Then he will track the timing of the piece of legislation that's important and he'll start drafting up some rules. Commissioner Timmons stated that they really need those people who have brought these forward to come and support that because some might not agree with it or some could agree with it. Then they will make that decision. Like the whip thing. He thinks one of them might be getting rid of the snapper. He noticed something about the color. He thinks there's merit to all of these if there is enough issues around each one of these then we should have those people here to help us. We have one person from Scarborough Downs that's talking about Chapter 13. He can pretend to be ignorant because he's not sure in Chapter 13 exactly what it is, and he doesn't remember having it on the table here and discussing it a lot. He wouldn't be opposed to anyone of these being on here and discuss them. Should we move ahead and make a change, or should we leave it the way it is or not do anything. Mr. Jennings stated that he agrees. Mrs. Perkins stated that she wanted to remind them about a correct in Chapter 9 about a date. It had to do about sustaining. Mr. Jennings stated he is wondering why they don't change the 30-day requirement for the base purse because why does it need to be 30 days. The problem is that it puts a crunch on all of them because they don't know much the revenue at the time they are trying to predict that. He gets they need to approve that prior to racing but could it be two weeks. Mrs. Perkins stated 30 days is a deadline and it's helpful. Commissioner Timmons asked when they would do these. Mr. Jennings stated potentially a public hearing in July. AAG, Guay stated that he would not be there for July 25th meeting. The legal review that he would do for approval would be he would look at the date that the Commissioners vote for final adoption and basis statement. He would expect if you were to put the comments in prior to the change in law there would be a comment if there is a comment raised there would be an answer saying public law (?) and then it would be fine. He doesn't think you have to wait until final enactment but if you have any doubt about the legislation because of cost of publication. Commissioner Timmons asked Mr. Sweeney what it is in Chapter 13 if he could give a synopsis of what he is talking about for changes. Mr. Sweeney stated that basically Chapter 13 deals with the pari-mutuel section. It sets standards for the different wagers that can be placed. Last time they changed Chapter 13 was when they updated the Super Perfecta rules which was six or seven years ago and since then the industry standards have changed when it comes to Super Perfectas. They were very stringent with the requirement that they have eight horses programed and seven going to post in order to have a Super Perfecta. At Plainridge for instance they can have Super Perfecta wagering on a six-horse field even if it's dwindled down to a five-horse field. It just gives the bettors a little bit more opportunity to place money across the counters. And also, the industry standards have changed when it comes to the base wager. Back when he started selling tickets in 1981, it was a \$2.00 base wager and that changed to a \$1.00 wager in the '90's, and now the industry standard really for trifectas across the country is a 50 cent wager and some tracks are even offering a 25 cent trifectas and what that really does when you decrease the base wager is give the gambler the opportunity to play more combinations for the same amount of money and it has proven to increase the handle. All of the things that they are proposing is meant for one goal in mind is to make the product more attractive to the gambler and therefore increase the handle at the tracks in Maine. Commissioner Timmons stated that gives them an idea of what they are looking at. He asked if any of

the Commissioners would like to hear information on any of these. What about the whipping rule. Mr. Jennings stated it's about making sure that the public perception is that the horses are being treated well. What happened last year is they got a comment suggesting that they adopt the 2018 USTA whipping rule which tries to contain the exaggerated use of the whip and the problem was it was to divergent from the proposal and it would have required him to republish. They weren't able to adopt the USTA whipping rule last year. They heard from the horsemen and using the black whip is desirable. At the judges meeting they got talking about the fact that you can only have a 6-inch snapper but that the people who sell the snappers don't even carry the 6 inch. Mr. Greenleaf stated that they carry the 6, 9, and 10 but everybody only buys the 10-inch snapper. When a horse gets weltd or cut it's from the snapper not the whip itself. Mr. Jennings stated that when they had the judges meeting they said to get rid of the snapper. Commissioner McFarland stated it makes some sense if they're not following the rule to begin with, and you're having to administer in the paddock so to speak even allowing the equipment person to sell something the rules don't allow. To him is kind of ridiculous if that's the case. Mr. Jennings stated that they don't have any regulatory authority over the people selling the equipment. AAG, Guay stated if they're in the paddock you do. Mr. Greenleaf stated they're not in the paddock. Commissioner McFarland stated that they will be at Windsor this year. Commissioner Graham stated that the purpose of the snapper is it makes a noise which stirs the horses up. If we have a rule that says it's supposed to be a 6-inch snapper we ought to be enforcing it. Commissioner Timmons stated that everything they've said so far comes back your judges. Commissioner McFarland stated that he thinks it's unfortunate then if we have equipment providers or vendors that would bring items that obviously are in violation of Maine Harness Racing rules to the venues that they're providing service to. He knows of one track that probably is going to make that a point of emphasis that will not happen at that track this year. Commissioner Timmons stated they would go to Lasix-horses returning to the barn. Commissioner Graham stated return to the barn if you're stabled at that track but everybody trucking in can't. He'd make everybody the same in his view. Commission McFarland stated wouldn't we be violating our own rule. Once you're in the paddock you stay in the paddock. Commissioner Timmons stated they certainly aren't going to come to Cumberland and get Lasix and allow them to leave the barn area and go back over to the barn area. They're in the paddock and that's where they're going to stay. Commissioner McFarland stated it's not fair to your truck in horses either. They've got to stand in the same paddock for the same length of time that this horse is barned on that venue is there. There has to be he's guessing some type of advantage to some degree of putting your horse if you're at Cumberland or Windsor back in the barn for two hours or two and a half hours after you've had your shot verses having to stand there like all the rest of the horses that have trucked in. It just doesn't seem fair. He'd further expand that. If that's the case, then he should be providing a stall outside of the paddock for every truck in horse. Some people would say they'd feel better sitting in a stall then standing on cement or clay or whatever in the paddock. Commissioner Timmons asked so what you are really saying in Chapter 17 because it was never adopted. AAG, Guay stated that he has been doing the office of attorney general review upon consultation with one of his colleagues who works for the secretary of state received guidelines because he is the lawyer for the Commission and is it proper for him to do the final reviews. He was

told it is if he doesn't materially participate in the drafting of the rules, so he'll tell you that, so he can't give you any answer that has to do with drafting. He is going to give you what his job is at the end which is to look at the rules and to sign off that they're legal. Assuming he's doing the final review, this is the way he would look at it. He stated to Commissioner Timmons Chapter 17 had been moved forward there was rulemaking done on it, but he had informed the Commission and the Department based on some court precedence that he would not be in a position to approve the rule chapter. Then the question then became do you go back and change the rule package, or do you put a new law in to try to get the law to match what the rule is. The decision was to go that way. In order to move forward with the rules, you're going to have to wait until the legislature changes the statute. The other option would be to change the rule differently then the way this group has indicated they want to have it but until the laws changed that's really the biggest issue. Commissioner Timmons stated the only other thing that come up is Chapter 9, and that was a date. Ms. Perkins stated that was a date change to May 15th. Commissioner Timmons moved to #5.

5. **Overview/Update on Prohibited Substance Testing.** Miles Greenleaf will give an overview/update of the prohibited substance testing results. Mr. Greenleaf stated that they have one pending positive for 2019.

6. **Other Business**

- a. Letter to Online Wagering Companies
AAG, Guay stated the regulation of betting on harness racing and thoroughbred racing interestingly is divided up in the State of Maine. The Harness Racing Commission licenses commercial tracks and off-track betting facilities and obviously agricultural fairs that accept pari-mutuel wagering on their events. Then commercial tracks and off-track betting also accepts wagers and off-track betting don't have events, but they are able to accept bets from people who are physically present at their facilities on harness racing and thoroughbred racing. Interestingly, he doesn't know how it ended up this way, but he knows originally the changes for betting if you will on advance deposit wagering had been proposed to be made to the harness racing statute and that would have put that activity under the jurisdiction of the commission. But instead the legislature put it in the Gambling Control Board, so what you have is in terms of thoroughbred and harness racing the actual racing in the State of Maine is governed by the harness racing Commission. Accepting of live bets on races in Maine is governed by the Harness Racing Commission. The ability for accepting bets from other states live is primarily governed by the Harness Racing Commission. The Gambling Control Board does advanced deposit wagering and so because of that you have limited enforcement over advanced deposit wagering. At your request, by way of background here they did get a list of facilities that are accepting wagers. In the State of Maine, they found that information through the State of Oregon because the State of Oregon issues multi-state jurisdictional license. He is not going to give you his legal opinion on whether the State of Oregon can do that or not. The most important fact is they provided this information that indicates in fact that

they license people who are not licensed in the State of Maine to accept advance deposit wagering. Most of the investigation is occurring here at the Harness Racing Commission. At the last Gambling Control Board meeting he shared the information with them that you folks had generated and what they directed him to do and what we have on the agenda the next meeting is Tuesday and he's hoping they have reported on their ultimate action. He's drafted a letter and he's provided it to their board members and he's anticipated they're going to approve that letter to be sent. The letter is sort of an educational letter and that will be sent out to everybody. What the letter says is we understand that you offer online wagering on horse racing. The State of Maine is enacted laws, and these are the laws and you have to be licensed in the State of Maine to accept any wagers from any Maine resident and if you accept anyone who's not licensed and accepts a wager from a Maine resident is committing a Class C crime. They will be sending those letters out and he would presume people would take them seriously. If he got a letter from a regulatory agency saying you know what you're doing is a Class C crime, he thinks he hopefully cause some pause. They're hoping that will have an effect. He would like to reserve an opportunity during the public comment to make some observations about sort of the bills that are pending, and he would do so because he hasn't done so a lot for harness racing, but he's tracked several bills for the office of the attorney general. They provide internal comment to the attorney general and he thinks it would be good for the harness racing commission. He's mentioned a few of the concerns briefly to Mr. Jennings about some of the bills that are being heard and his concern is he doesn't have a concern as a policy perspective but as a lawyer he just wants to make sure whatever the legislature does has clarity. That there's clarity he's not saying the legislature make a mistake by putting ADW outside of harness racing, but he thinks what they're seeing is it makes the sort of the disconnect may not be the most efficient way to regulate that activity and to the extent that there's additional stuff going on right now other bills. It would be helpful if people in the industry who might show up to testify would be mindful of certain issues. With your permission during public comment he'd like to make a few comments on that. There's a motion that was also drafted to authorize the executive director of the Gambling Control Board to start issuing those letters. His goal is they adopt that. The way it works is they have to authorize the executive director to do things.

b. Classified Racing

Mr. Jennings stated that Chapter 7 of your rules says that section 15 talks about the types of racing that may be conducted in the State of Maine and it says it gives a list of 5 different types of conditions that can be used to create a race, and then there are 3 that require the consent of the Commission in order to use them. One of those is classified racing. Last year he came before the Commission and asked for their authorization to conduct classified racing. He asked the question multiple times, but what it doesn't say is you have to do it annual, periodically or any other thing. Well, in 2019 there is classified racing going on at both tracks. He felt that since the rule is a little bit vague about whether you need to do it once or periodically he thought he would let you know that they are doing classified

racing and last time you authorized it you didn't set a time period on it. If you could just clarify whether it's authorized for a year or is it authorized forever. Commissioner Timmons stated that he would like to respond to that for him, so they could get the advice on whether they're all set or whether they need to do something. AAG, Guay stated that he has not done the due diligent himself. His understanding is the department looked through the minutes to try to discern the detail on the motion and he thinks the motion was not specific and so because of that he would suggest that it would be appropriate, and you have the ability to do it either way. You can time limit. For example, and it would depend on what your thinking was. So sometimes agencies would say this is a pilot project we're going to see how it works. We're going to authorize it for a year and ask the executive director, the horsemen, and the tracks to come back and make a report on whether or not the pilot was successful. That's pretty much the only time that he's seen agencies limit the authority. He would suggest that you actually make that decision now because it's not clear on the record. He would generally advise if it's not time limited that there's an implication that it's not time limited. If the motions vague then it would be sort of a grant of authority that not's limited. So, if you don't do anything today he would suggest that a reasonable interpretation would be that it's authorize until you say don't do it anymore. Commissioner Graham stated that they've had some classified racing and it's working very well, and they should continue it. Commissioner McFarland stated that he knows they had a few races last year and he'd be willing to allow the executive director the authority to have classified racing for 2019 and 2020, and then he gives a report back at the end of each racing season as to the effect that it had and the benefits or disadvantages. Commissioner Graham ask if that was a motion. Commissioner McFarland made a motion that they give the executive director the authority to have classified racing for 2019 and 2020 and at the end of each of the two racing seasons that he provides this Commission with a report of its success or failure of the activity. Commissioner Graham seconded. Commissioner Timmons stated that he would like to ask if there is anyone out there because he's heard several comments about it personally and he would like to see if what he hears supports that. Mr. Shiers stated that the classification is working very well. He questioned the rulebook states that you can have two conditions above and beyond the original condition. It's not being abused but they've had a few races where there's up to four or five conditions to get eight horses in the field. If you want to do classified scheduling would you consider putting a limit on how many conditions, you could put into that. He thinks it's reasonable to stay with the rulebook. His point is to make this rulebook more user friendly for the public who do not have quite as much experience. He understands it but not everybody does. Commissioner McFarland stated he thinks at least what he heard last year this might help clarify for the race secretaries where they can go with this and what their restrictions are. Then it doesn't open it up to some of the areas that you talked about by limiting the number of conditions and he thinks three is probably enough. If they can't qualify in the three then maybe they should not have that race. The idea was to help out harness racing by doing this to have possibly fuller fields and at least be able to have a race card when we had this shortage of horses

we had. It's improved in some he believes in '18 and hopefully it will continue some in '19 now. There was some resistant about doing this but Mr. Jennings through his efforts convinced some of the race secretaries that they needed to make an attempt and he thinks it's the position of the Commission and they thought it should happen also to enhance harness racing. Mr. Shiers stated that Scarborough this last weekend these New Zealand horses are coming in and New Zealand horses over there they do not have pari-mutuel betting. They show anywhere from 10 to 15 wins on the program and when they get to the United States they are maidens. They are experiencing that, and they lay right over the fields by 8 seconds and that's 40 lengths. It's totally unfair to the people who are racing against them. It's totally unfair for the people who are going to the betting booth putting their money down. Commissioner McFarland stated that those types of races don't help the handle a bit. Commissioner Timmons stated that it would also be fair to say that with the information that's coming back from Trackmaster and the way they've set that up that it probably would have an impact on claiming races especially the lower class claimers or even higher class claimers in that most people who go to harness racing would like to see four or five horses across the wire at the end. What he's heard is that the classified racing that they've been doing has been positive. If someone has heard differently then that he would like to hear that. Michael Sweeney stated that he's not going to tell you any different because the experience is really too new to draw any valid conclusions from. They've had 12 races at Scarborough under the new classified system. There's been 12 at Bangor under the new classified system and he's tracking the pari-mutuel prices that winners under the classified system have generated. He's also tracking the handle comparison to see if people are betting more or less on classified racing than they do on conditioned or claiming racing. He can say out of the 12 races that they wrote at Scarborough under the classified system, 6 of them were won by the betting favorite and 2 of them were won by the second betting favorite. One of the hypothesis that was put forward with classified racing was they would have more price horses win. Under limited experience he hasn't seen that yet, but they will continue to look. The handle doesn't seem to have been affected one way or another. They're betting just as much on the classified racing as they are on the conditioned racing at this point. He doesn't know what to make of that. He's looking at that as a handicapper right now because one of the things he does is write a tip sheet that goes into the program at Scarborough. He's wondering if horses are dropping in class or rising up in class by moving into this classification. He sees horses that have been racing in the non-winner's division or the bottom claiming class now fitting that consistency. You're bringing a lot of diverse horses together. Maybe that changes as weeks go forward and things become a little more static. The ratings aren't changing all that much from week to week at this point. He's concerned that there may be static racing and that the classes might have become stale. He knows that Mr. Sawyer has changed it up the second week to create non-winner's division of classified racing where horses who have won a race have to be segregated away from those that haven't. This has killed claiming races at Scarborough. They do have a very big base of classified horses right now. It has

changed the slot that they have been entered into. They will continue to monitor and report back to. Commissioner Timmons stated that there is a motion and a second on the floor. If there is no further discussion, he would like to have a vote on that motion. Vote 5-0.

c. **Microchip Horse Identification**

Commissioner Timmons asked for an update on the microchip horse identification. Mr. Jennings stated that the USTA is moving to microchip identification by 2020 and that they all need to have it. That presented a certain stance in which they had some horses come into Scarborough that only had a microchip and didn't have a freeze brand or tattoo. There's nothing in the rule that says you can't do that. This is just an update. They had to scramble to get chip readers. There're different ways to identify a horse. You can do it based on the markings. We ordered two of the Bluetooth chip readers from the USTA and those allow you to get a lot more information than just the number. Mr. Sweeney stated that if there were horses racing at Scarborough that only had microchips for identification he's glad that the Commission found a way to make sure those horses were able to race and be properly identified.

7. Public Comment

Mr. Shiers stated that qualifying races serve three purposes. Number one that is a preference date when that horse goes in and the preference works this way. The horse has been out of the box the longest is the first one to be drawn in. Second is how much this horse can go per the rules let's say as a pacer in 2:10 the horse qualifies and goes in 2:07 it's qualified to race. If the horse goes in 2:12 it doesn't qualify to race. The third thing it serves it goes on this charted line and when you buy your program it tells the public that betting on this horse just how much this horse is up at the time. At Scarborough Downs this past Spring they waived the 45 day rule. The 45 day rule is this. If a horse has been sick or lame and has been out of the box more than 45 days it's got to requalify. They waived this rule and the rational was to get these horses racing so the horsemen can get out and make some money, but the people betting on these horses didn't have a clue of how much it was up to. There were too many horses this Spring the first two weeks of racing at Scarborough Downs they weren't ready to race, they weren't even competitive at all. What they did at Scarborough they were saying if a horse raced the last weekend of the meet in 2018 they didn't have to qualify. His suggestion to you if you think of these qualifying he would like to see that 45 day rule changed to this, 45 but no more than 60.

AAG, Guay stated that he has been following several bills and he just would like to make his concern known to a couple of people. He can't testify. He can't go to the legislature. Lots of Attorney Generals does not inject itself in policy. He's concern that he has is not a policy concern but it's from his experience on the Advance Deposit Wagering where the Harness Racing Commission's been concerned about it and the fact that you don't have jurisdiction; so, it's more of an implementation concern from a legal perspective and it's not policy. But it's not clear to him as a lawyer the interaction of several various proposals being considered by the legislature. The one he wants to highlight is right now we have in terms of pari-mutuel wagering we have the stuff you guys oversee, we have

advanced deposit wagering and his understand is going to be some bill on advanced deposit wagering so that's the first thing that needs to be kept an eye on. The other thing he's seen is on the sports wagering. It's not clear to him and he's pretty sure mainly the legislature doesn't have this intent, but the problem is that the legislature intends and what the language and the statute says. But the most important things are to get the language and the statute correct. It's not clear to him in several of the bills that he's seen now the bill lets a vehicle is a concept draft but it's not clear to him that sports wagering would not be an argument that it would consume advance deposit wagering. If you take a look at what sports wagering in several of the definitions is depositing money into an account and then where there's the sport wagering entity places the bet on behalf of the customer, and then deposits the winning back into the account. That sounds to him a lot like advanced deposit wagering. His concern is that if the intent is that advanced deposit wagering is limited to the off-track betting and commercial tracks while people in the industry are appearing and testifying about these various bills that there has to be some caution around making sure that sort of the legislature intends to have parties other than those licensed by the Harness Racing Commission be able to take bets on harness racing that they're doing it knowingly. It's not clear to him that if they were to pass some of these bills if it might not have allowed for people other than the people we traditionally think of doing pari-mutuel wagering, off-track, so on so fourth would be the only people doing that for Maine. He can't testify. Now is the time to get it right rather than having a law pass that is not clear and having a potential loop hole specially given sort of the behavior we've seen in this space where people are going to Oregon to get licensed to do stuff here. Don Barberino stated that some of the legislation that clearly defines that sports wagering and does not include pari-mutuel wagering, casino, or lottery but that's not in all of those bills. Commissioner Timmons stated that some of those bills have already been passed over. Mr. Barberino stated that all of those bills were ought not to pass but they kept the one concept bill and when that comes up he'll mention that to keep that language in there. AAG, Guay stated that right now the bill doesn't have any language and some of the prior proposals had an exclusion and it's interesting because fantasy sports and several of the bills were specifically excluded but other definitions did not to advanced deposit wagering. So, depending on what language they pull from the other bills could be an issue. Mr. Barberino stated he would watch that and hopefully they will include that language.

8. Schedule of Future Meetings:

June 21, 2019

July 25, 2019

August 23, 2019

9. Adjourn

10:50 a.m.